



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

**APR - 5 2012**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Larry Wiggins  
Public Works Director  
Town of Newport  
15 Sunapee Street, Suite 1  
Newport, NH 03773-1497

Re: NPDES Permit No. NH0100200  
Administrative Order Docket No. 09-015

Dear Mr. Wiggins:

Thank you for your March 6, 2012 letter advising EPA that NHDES had reviewed Newport's Phosphorus Removal Wastewater Treatment Facility ("WWTF") Upgrade design and its application for Clean Water State Revolving Loan ("CWSRF") funds. More specifically you reported that, because the NHDES "remains unconvinced that surface mixers will affect the desired toxicity reduction..." the NHDES was "disinclined to commit limited CWSRF funds toward their purchase."

Based on the information provided in your letter, EPA proposes to revise the Facilities Plan Implementation Schedule and the Corrective Action Plan Schedule incorporated into Administrative Order Docket No. 09-015 ("Order" or "AO") to allow phased WWTF project implementation with respect to achieving compliance with the Whole Effluent Toxicity ("WET") limits contained in the Town's NPDES Permit. The October 31, 2012 deadline for completing the WWTF Upgrade and achieving compliance with the total phosphorus limits will remain unchanged. After completing the WWTF Upgrade, the revised Supplemental Order Schedule will require a one-year period of Permit compliance monitoring with quarterly WET data evaluations/reports, a deadline for submission of a letter report reporting the results of compliance monitoring and, if necessary, a revised corrective action plan for achieving compliance with the WET limits of the NPDES Permit.

By this letter, the major milestones set forth below are incorporated into the Order and enforceable pursuant to Paragraphs III.1.c. and III.3.b. of the Order. The major milestone deadlines are as follows:

### Supplemental Order Schedule

- **By October 31, 2012**, Newport shall achieve compliance with the phosphorus limits contained in the NPDES Permit, shall conduct quarterly WET limits compliance monitoring as required by the Town's NPDES Permit, and, for one year, will provide quarterly effluent toxicity evaluations in addition to the requisite full bioassay report by the last day of the month following the WET test calendar quarter (i.e. by January 31, 2013; April 30, 2013; July 31, 2013; and October 31, 2013).
- **By November 30, 2013**, Newport shall have completed one year of WET monitoring including quarterly evaluations, and if full NPDES Permit compliance was achieved, Newport shall submit to EPA and NHDES a letter report of its findings. If the one-year period of compliance monitoring demonstrates that the Phosphorus Removal WWTF Upgrade did not also achieve compliance with the WET limits of the NPDES Permit, Newport shall also submit to EPA and NHDES a detailed engineering report that recommends long-term corrective measures and a schedule to comply with the WET limits of the NPDES Permit.

Please telephone Joy Hilton of my staff at (617) 918-1877 or have your attorney contact Michael Wagner at (617) 918-1735 if you have any questions.

Sincerely,

*Susan Studlien*

Susan Studlien, Director  
Office of Environmental Stewardship

cc: Tracy L. Wood, NHDES  
Norma Mason, EPA